

Local Government Ombudsman: Annual Report

Report No:	PAS/WS/19/013	
Report to and date:	Performance and Audit Scrutiny Committee	26 September 2019
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Decisions Plan:	Not applicable.	
Wards impacted:	No specific wards are impacted by this report	
Recommendation:	It is recommended that the Performance and Audit Scrutiny Committee: <u>Notes</u> the content of this report, and agrees with the recommended approach to reporting Ombudsman complaints as included in Section 5 of this report, being Report No: PAS/WS/19/013.	

1. Background / Context

- 1.1 The Local Government and Social Care Ombudsman (LGO) is appointed by the Government to resolve complaints which cannot be resolved by the Council itself. Each year, it considers thousands of complaints from members of the public about the way that Councils operate and seeks to independently and fairly adjudicate on them, reaching a final conclusion.
- 1.2 Before the LGO will consider a complaint, the complainant must first seek to exhaust the Council’s own complaints process. At West Suffolk, this will mean that the complainant must go through two stages:
- a) Stage 1: The service will review the complaint, and respond accordingly. The response will usually be from the Service Manager or Assistant Director.
 - b) Stage 2: If the complainant is dissatisfied, the Council’s legal service will undertake a review of the complaint. The complainant will be informed that if they are still unhappy, they may refer the matter to the LGO
- 1.3 As such, the LGO will only consider the small number of cases where the complainant feels it necessary, having exhausted the Council’s own procedures (even where the complaint has been upheld), to progress the matter further. By their nature, such cases can be very complicated, and have arisen over a long period of time.
- 1.4 Each year, the LGO issues an annual report on its activity, which maps the volume and nature of complaints it has received across the Country. This is available on the LGO’s website. Each Council is also issued with its own performance report. This report to the Performance and Audit Scrutiny Committee seeks to inform members of the outcome of the final annual performance reports for Forest Heath and St Edmundsbury Councils, in comparison to national performance measures.

2. Number of Complaints for Forest Heath and St Edmundsbury

- 2.1 The number of complaints raised with the Ombudsman can be seen as a measure of the Council’s performance in resolving matters before they escalate. The numbers are categorised by service area, as follows:

	Forest Heath	St Edmundsbury	National Average for similar councils
Benefits and Tax	2	0	2.3
Corporate services	1	0	1.4
Environmental services	1	1	2.2
Housing	1	5	2.4
Planning	4	3	5.1
Total	9	9	13.4

- 2.2 As such, both Forest Heath and St Edmundsbury Councils received fewer complaints than similar Councils nationally in 2018/2019.
- 2.3 Members may note that the combined figures for West Suffolk, 18 complaints, is higher than the national average. There is, in practice, a direct correlation between the size of Council and the number of complaints. West Suffolk is the 8th largest District Council, by population. The 10 biggest District Councils (including East and West Suffolk) averaged 25 complaints each to the LGO last year.

3. Outcome of Complaints considered by the LGO

- 3.1 When the Ombudsman receives a complaint, they will first assess it against their criteria to ensure it is valid, the complainant has exhausted the Council's own process and that there is public interest in investigating the matter further. If it is unlikely the matter has resulted in any detriment to the complainant, it will be closed following initial review.
- 3.2 If the Ombudsman decides to investigate further, they will then either uphold the complaint, or not uphold it. They may agree with any remedial action taken by the Council, or ask the Council to undertake further actions. The outcomes in respect of Forest Heath and St Edmundsbury were:

	Forest Heath	St Edmundsbury	National Average for similar councils
Incomplete / invalid	0	0	0.6
Advice given to complainant	0	0	0.6
Referred back to the Council	4	3	4.4
Closed following initial review	4	2	5.3
Not Upheld following investigation	0	1	1.9
Upheld following investigation	2	0	1.5 (43%)
Total	10	6	14.3

- 3.3 It should be noted that there will inevitably be a difference between the number of complaints raised in a year, and the outcomes of cases, as some cases will be unresolved at each year end. This means that the outcome figures will include cases raised in 2017/2018.
- 3.4 Two cases at Forest Heath Council were upheld. One case, reference 15018979, was reported to the former Forest Heath Performance and Audit Scrutiny Committee in October 2018. The details of the second case, reference 18009162, is included at **Appendix 1**. In the second case, the LGO felt that the Council had already taken all necessary action to resolve the complaint. Whilst it is disappointing that two cases are upheld, this represents just 12.5% of the complaints the LGO considered in the year.

- 3.5 The LGO encourages Councils to evaluate their referral levels. The LGO note that more complaints tend to be referred back to Councils where there is limited information available to people on how to complain. Both Forest Heath and St Edmundsbury were within the national average figure. Looking at the “top 10” authorities by size, an average of 6.4 referrals are made back to the Council.
- 3.6 The Ombudsman has also reported the Council’s compliance rate is 100%, meaning the Ombudsman is satisfied the Council has agreed with their findings and undertaken the necessary action in response to the complaint.

4. Considering LGO outcomes in future

- 4.1 Historically, officers reported to the Forest Heath and St Edmundsbury Performance and Audit Committees where there was a finding of fault on the part of the Council, and the Council was required to pay compensation. This reporting was confirming to the Committee what had already occurred, as the Council is often given limited time to remedy such findings.
- 4.2 With this in mind, Officers suggest that in future, where the Ombudsman finds fault but the remedy suggested is less than £1,000, such cases will be included in this annual report. Where the remedy suggested is more than £1,000, or in the rare event the Officers consider the Council should reject the findings of the Ombudsman, such cases will be reported to the next meeting of the Performance and Audit Committee.

5. Conclusion

- 5.1 Overall, Forest Heath and St Edmundsbury performed relatively well in comparison to other authorities, in that a smaller proportion of complaints were escalated to the Ombudsman and, whilst it is disappointing that two complaints were upheld, in just one case did the Ombudsman find it necessary to require the Council to take specific action. The Ombudsman are satisfied the Council is compliant with its recommendations.
- 5.2 The Council will receive its first report as West Suffolk next year, and care will need to be taken to ensure that fair comparisons can be made to properly evaluate the Council’s performance.

6. Risks

- 6.1 Legal Compliance – the Monitoring Officer is required to report to Council where the LGO makes a significant adverse finding (public interest report). No such cases have arisen in year.
- 6.2 Impact on others – failure to handle complaints and concerns raised appropriately can lead to upset or loss for members of the public, and reputational damage to the Council.

7. Appendices

- 7.1 **Appendix 1** – Outcome of Complaint 18009162.

8. Background documents

- 8.1 Local Government Ombudsman: Annual Review, available from the LGO's website, www.lgo.org.uk

Report: "Decision relating to Complaint to Local Government Ombudsman", Forest Heath Performance and Audit Scrutiny Committee 27 September 2018 at <http://svr-mgov-01:9070/documents/s29915/PAS.FH.18.033%20-%20Decision%20Local%20Ombudsman%20Complaint.pdf>